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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BASTIANELLI, JOHN

ART UNIT PAPER NUMBER

3754

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,043

Applicant(s)

CHEN, DE FU

Examiner

John Bastianelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/16/03
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Van der Sanden US 4,543,980.

Van der Sanden discloses a non-refillable valve 11 comprising a valve body 15 having an inner surface defining a longitudinally extending chamber (inside 15 of Figs. 1 and 2) having a lower portion connecting with a pressure container 13, the chamber having a valve seat (Fig. 2, at 39), the inner surface having a concentrically oriented protrusion 37, a transverse opening (left of nozzle 17), a valve stem 21 including a valve core 29 having a flange 35 independently movable in the chamber relative to the valve stem, an O-ring 22 abuts the inner surface of the valve body for sealing the valve stem, a first position is for filling the container above the protrusion (Fig. 1), a second position is beyond the protrusion and contacts the valve seat (Fig. 2), and a third position allowing fluid flow from the container to the valve, but preventing the flow of fluid through the transverse opening to the container, in which the valve stem is raised to a level allowing the valve core to slide upward or downward with the fluid moveable both above and below the flange in the first position. The valve core has a sealing element 35 in which they are made of resilient material (col. 3, line 62-col. 4, line 8). The valve stem has a bore (Figs. 1 and

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2). The valve has a handle 30. The valve has a nozzle 17 having a passageway communicating with the transverse opening of the valve body. The method is seen as practiced by the apparatus.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Sanden US 4,543,980.

Van der Sanden lacks the transverse opening intersecting the protrusion. It would have been an obvious matter of design choice to obvious to have the transverse opening intersect the protrusion, since applicant has not disclosed that the transverse opening intersecting the protrusion solves any stated problem or is for any particular purpose and it appears the invention would work equally well with the transverse opening intersecting the protrusion or below it.

5. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Sanden US 4,543,980 in view of O'Connor US 4,813,575.

Van der Sanden lacks the distal end of the valve core intersecting or positioned above the transverse passage during filling. O'Connor discloses a distal end of the valve core positioned above the transverse passage during filling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the distal end of the valve core intersecting or positioned above the transverse passage as disclosed by O'Connor in the valve of

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Van der Sanden in order to not have accidental actuation of the valve due to the pressure of filling the valve.

Allowable Subject Matter

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the indication of allowance of claim 18 is the combination of the protrusion intersecting a transverse passageway with a distal end of the valve core having a flange with a substantially flat upper edge and a sealing member attached to the distal end. The examiner warns the applicant to be careful in writing the claims involving this as this is the exact reason that the claims in the parent application 09/948,328 now patent US 6,595,486 were allowed was this combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Bastianelli
Primary Examiner
Art Unit 3754



JB

March 31, 2004